Anne Arundel
Elected Officials
Performance Report Card

June 2016
The Anne Arundel Elected Officials Report Card

This Report Card covers the period starting with the swearing in of the new County Council and County Executive in December 2014 through May 2016. In it, we grade the environmental performance of seven Anne Arundel Councilmen and the performance of the County Executive.

In grading members of the Council, we followed an approach similar to that used in the past. We reviewed the votes of each member on bills and amendments relating to conservation issues. We reviewed their activities in connection with introducing or sponsoring bills and building support for conservation initiatives, whether or not those initiatives resulted in bills or enacted legislation. We reviewed their public comments on conservation issues and their responsiveness to the concerns of the environmental community. We also took into account the views of environmental leaders and organizations in the County. Finally, we offered each member of the Council an opportunity to meet with us to discuss the grading process and issues of concern to him. Councilmen Fink and Peroutka declined to meet with us.

Overall, the grades of the Councilmen have improved from an average of C+ to an average of B+ over the 2012 Report Card. Veteran Councilmen Chris Trumbauer and John Grasso led a conservation majority, which now includes new members Andrew Pruski and Pete Smith, in defending the Watershed Protection and Restoration Program against repeated attacks. They also passed an important ban on toxic coal tar sealants and fended off efforts to reduce environmental protections in the permitting process for certain types of development. The three other Councilmen, with exceptions for Jerry Walker, generally voted against conservation measures.

Thanks to Councilmen Trumbauer, Grasso, Pruski and Smith, we have benefited from a conservation majority on the Council for the first time in years. Please let them know how much you appreciate their efforts. While Trumbauer and Grasso have provided strong leadership over the past six years, they are barred by term limits from running in 2018. We hope that Pruski and Smith will carry that leadership forward. It will fall to all of us in 2018 to help elect at least two more strong conservationists to replace Trumbauer and Grasso.

County Executive Schuh came to the job with a moderate to good environmental record in the General Assembly. While in one year he scored
100 percent, his lifetime score was 71 percent. Disappointingly, among his first actions in office was support for efforts to repeal and undercut the stormwater restoration fee. However, once repeal was defeated, he supported implementation of restoration activities and has included general fund money for the stormwater projects for the next four years. He has been a strong supporter of public access to waterways and County lands for recreational use and supports preservation of land in priority areas. Mr. Schuh met with us during our preparation of this report card.

Please take every opportunity to let Mr. Schuh know how important his support for the Watershed Protection and Restoration Program is to you and thank him for his support of water access and open space.

In the paragraphs below, we more fully describe the basis for our grades for each of the councilmen and Mr. Schuh.

**Stormwater Pollution**

Contaminated stormwater runoff continues to be the greatest source of pollution entering the streams and rivers in the County. Every river in Anne Arundel County has been listed as impaired under the Clean Water Act, and we will not see substantial improvement in these waterways until stormwater pollution is mitigated. As with the previous Report Cards, overall scores reflect the importance of this issue.

<table>
<thead>
<tr>
<th>District #</th>
<th>Name</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>Pete Smith</td>
<td>A</td>
</tr>
<tr>
<td>#2</td>
<td>John Grasso</td>
<td>A</td>
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<tr>
<td>#3</td>
<td>Derek Fink</td>
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<tr>
<td>#4</td>
<td>Andrew Pruski</td>
<td>A</td>
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<tr>
<td>#5</td>
<td>Michael Peroutka</td>
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<tr>
<td>#6</td>
<td>Chris Trumbauer</td>
<td>A</td>
</tr>
<tr>
<td>#7</td>
<td>Jerry Walker</td>
<td>F</td>
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</tbody>
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Prior to the period for this report card, in 2013, Councilmen Trumbauer and Grasso introduced a bill establishing a Watershed Protection and Restoration Program funded by a modest fee on property owners. After much debate, deliberation, and amendments, the bill passed four to three, but it was vetoed by then County Executive Laura Neuman. The veto was overridden, by a vote of five to two.

At the beginning of the 2015 term, efforts to repeal or further weaken the law, led by Councilmen Walker and Peroutka and supported by County Executive Schuh, arose again. Two stormwater repeal bills were sponsored by Councilmen Walker and Peroutka, with the support of the County Executive. Two other bills proposed by Councilmen Fink and Walker individually, and supported by the County Executive, would have substantially reduced Watershed Protection and Restoration Program income. Each of these bills was defeated by a vote of four to three with Councilmen Trumbauer, Grasso, Pruski and Smith in the majority.
Coal Tar Sealants

Some asphalt sealants contain toxic coal tar. Coal tar sealants generate polycyclicaromatic hydrocarbons (PAHs) in stormwater runoff that have been shown to be toxic to frogs, salamanders, minnows and water fleas living downstream. The PAHs lodge in stream sediments, persist in the sediment for long periods and bioaccumulate in living organisms. PAHs have been found in the sediment underlying Church Creek on the South River. PAHs are also a suspected cause of the tumors found in South River catfish. PAHs are a known human carcinogen as recognized by the National Institutes of Health in 1980 and are the subject of warnings by at least three other federal agencies. Safer alternatives are readily available at comparable cost.

In November 2015, Councilmen Trumbauer, Pruski and Grasso introduced a bill to ban the sale and use of coal tar sealants in the county. After a failed effort to delay the bill, introduced by Councilman Walker, the bill passed by a vote of four to three. Councilman Smith joined the sponsors in opposing the delay and passing the bill.

Peer/Expedited Review of Development Projects

In April 2016 the County Executive, at the request of his transition team, proposed legislation that allowed developers to hire certified outside engineers to conduct reviews of subdivision and site development plans. The bill, as proposed, would have transferred the decision making on important environmental issues—including rules for Critical Area development, stormwater management, forest conservation and buffer management—from the County to private engineers paid by developers. Bill 23-16, with the stated purpose of expediting the development review process that is widely perceived as taking too long, raised real issues about conflict of interest, public transparency and county responsibility for implementing development law and policy.

Two major amendments greatly reduced the scope of peer/expedited review. Councilman Trumbauer’s amendment to exempt projects in the Critical Area from all aspects of peer/expedited review passed with support from Councilmen Pruski, Smith and Walker.
Then the Administration’s amendment to limit expedited review to only the engineered plans at the back end of the review process passed unanimously.

Six other amendments dealt with creating a sunset clause, expanding the transparency and conflict of interest requirements and ensuring fairness in the assignment of engineers. Councilmen Pruski and Walker took the lead in sponsoring bills on transparency and assignment of engineers supported consistently by Councilmen Trumbauer and Smith. Councilmen Grasso, Fink and Peroutka voted against the Critical Area exception and get negative marks for that vote. Councilmen Fink and Peroutka voted to extend the sunset clause and get negative marks for that vote. Finally, Councilman Grasso voted against one of the transparency amendments and gets a negative mark for that vote. See voting chart below.
### Bill 23-16 – Peer (amended to Expedited) Review Program - Voluntary peer review program for development plan review that permits third-party review of subdivision or site development plans by reviewers certified by the County

<table>
<thead>
<tr>
<th>Date 2016</th>
<th>Sponsor</th>
<th>Bill / Amendment</th>
<th>Action</th>
<th>Actors</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/21</td>
<td>County Executive</td>
<td>Original Bill 23-16</td>
<td>Introduction</td>
<td>Fink at County Executive request</td>
</tr>
<tr>
<td>4/18</td>
<td>County Executive</td>
<td>AMENDMENT #3 establishing a 2-year sunset clause</td>
<td>Passed</td>
<td>Vote 7-0</td>
</tr>
<tr>
<td>4/18</td>
<td>County Executive</td>
<td>AMENDMENT #4 requiring extensive annual report on Peer Review program to County Council</td>
<td>Passed</td>
<td>Vote 7-0</td>
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</table>
| 4/18      | Trumbauer | AMENDMENT #5 exempting projects within the critical area from peer review | Passed 4/3 | Yea: Trumbauer, Pruski, Smith, Walker  
Nay: Fink, Peroutka, Grasso |
| 5/2       | County Executive | AMENDMENT #6 changing name to Expedited Review and limiting program to "engineered water and sewer, road, storm drain, stormwater management or grading" | Passed | Vote 7-0 |
| 5/2       | County Executive | AMENDMENT #7 changing sunset clause from 2 years to 3 years | Defeated 2/5 | Nay: Trumbauer, Pruski, Smith, Grasso, Walker  
Yea: Fink, Peroutka |
| 5/2       | Pruski | AMENDMENT #8 requiring the posting on the internet of projects receiving expedited review | Passed 6/1 | Yea: Fink, Trumbauer, Peroutka, Pruski, Smith, Walker  
Nay: Grasso |
| 5/2       | Pruski | AMENDMENT #9 expanding the conflict of interest clause for certified reviewers & requiring annual updates | Passed | Vote 7-0 |
| 5/16      | Walker, Fink | AMENDMENT #11 Establishes a rotation list of certified reviewers and P&Z will determine the next three names on list (after last reviewer used) and refer these names to applicant for selection | Passed | Vote 7-0 |
| 5/16      |          | FINAL VOTE         | Passed | Vote 7-0 |
Other Issues

Septic Upgrade Funding

In March 2016, the County Executive requested a bill to transfer approximately $35,000 in unused County funds to a fund for upgrading failed septic systems. The bill passed unanimously. Because of the nominal amount involved, we have not included this vote in our scoring.

Environmental Tax Credits

Also in March 2016, the County Executive requested a bill streamlining the application process for tax credits for energy efficiency, land conservation, stormwater management and erosion control practices. The bill should encourage people to implement these environmental practices. The bill passed six to one with only Councilman Peroutka voting against. We did not score this bill.

Environmental Leadership

Councilmen Trumbauer and Grasso get equal credit for their leadership on rebuffing efforts to repeal or reduce the Watershed Protection and Restoration Program fees. They also both sponsored, along with Councilman Pruski, the Coal Tar ban. Grasso receives special credit for his forceful comments on the need for stormwater restoration and for the ban on coal tars. Councilman Trumbauer originated and managed the Coal Tar Bill, led the effort to amend the Peer/Expedited Review Bill to exempt Critical Area development. He has also worked on other conservation issues that have not yet been introduced and has generally raised the profile of conservation issues in County government. Accordingly, we have increased his overall grade from A to A+.

Overall Grades

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County Executive

Stormwater Pollution

As a member of the Maryland House of Delegates from District 31, Delegate Steve Schuh had a record of being moderate to strong on the environment. In the House of Delegates, he voted for the bill that required Anne Arundel County and other urban jurisdictions to adopt stormwater remediation funding arrangements. It came as an unpleasant surprise when, as a candidate in the Republican primary for County Executive, he came out strongly against the County’s Watershed Protection and Restoration Program. Mr. Schuh indicates that he strongly supports cleaning up the waterways and meeting state requirements, but he challenges the need for a dedicated revenue stream; he believes the money should come from the General Fund just as it does for other County services.

Once in office, as noted above, the County Executive introduced legislation to repeal stormwater fees and when that failed, supported reduction in fees. After this legislation failed the County Executive has supported the execution of the program.

Mr. Schuh has shown substantial support for the Watershed Protection and Restoration Program and budgeted $350,000 from the General Fund for 2017 to supplement the stormwater fees supporting restoration projects. The General Fund future contributions increase to $1.6 million, $2.7 million and $3.2 million in coming years. He is well-versed in the funding challenges in meeting the pollution reductions the County must achieve by 2025. His initiative to include General Fund monies to support restoration is a significant commitment toward meeting the pollution reduction challenges ahead.

While the County Executive’s support for the Watershed Protection and Restoration Program has been evident since he has taken office, his attempts to roll back the fees initially must be taken into account in assigning an overall grade for Stormwater Pollution. That grade is D+.

Peer/Expedited Review of Development Applications

The original bill, as proposed by the Administration, was deeply flawed by allowing developers to hire outside engineers to review all aspects of development projects to achieve an expedited approval. But the County Executive showed substantial leadership in working out a bill that in the end was acceptable to all parties. The final bill, with input from the Council and community groups, focused review by private engineers to the backend of the review process avoiding outsourcing reviews of sensitive environmental issues. The grade for this issue is B-. 
Recreation Opportunities and Water Access

Expanded recreation opportunities and water access are key initiatives in the County Executive’s goal of improving quality of life in the County. Under his leadership, Recreation and Parks has opened up to the public, on a limited basis, County-owned properties that have been closed for years including Triton-Beverly Beach, Mayo Park and South River Farm Park.

This year’s budget includes funds to provide improvements to Triton-Beverly Beach, which has both beach access and kayak launching. The County Executive’s goal is to have a boat launch facility on both sides of every river in the County. Expansion of bicycle trails are also a priority, and this year’s budget includes a full-time position to focus on bicycle transit. The County Executive’s grade for this area is an A.

Land Use, Land Preservation and Open Space

The County Executive is a proponent of a prioritization strategy for County land ownership and land preservation. To provide the information for such a strategy, he has instituted a comprehensive inventory of County-owned land and land with easements held by the County. Accurate information on these holdings is currently not available. With this accumulated information the County will develop strategies for setting priorities for acquiring land or easements to maximize the impact by expanding contiguous areas for conservation. County Executive Schuh’s land use strategy appears to have great potential when executed, and his grade for this area is B.

Coal Tar Sealant Ban

When legislation enacting a coal tar sealant ban was introduced in the fall of 2015, the Administration was initially neutral on its passage. Since the County Executive did sign the bill passed by the Council, but showed no particular leadership for passage, the grade for this issue is A-.

Leadership on Environmental Issues

The County Executive has shown substantial leadership for public water access, an important contributor to increasing support for the cleanup of our waterways. His budgets have largely supported environmental initiatives, especially by including additional general fund money to support stormwater restoration.

The County Executive’s knowledge of what the County needs to do to meet State pollution reduction requirements is impressive. He understands, for example, that without addressing the problem of pollution from septic systems the 2025 goal will not be
reachable. At this point little has been done by the County to collect information on existing septic systems or plan for conversion of septic systems to sewer where possible. We look forward to seeing County Executive Schuh provide more leadership to spotlight the issue of septic systems, possibly by establishing a citizen task force to look at the issue or taking specific actions to have the County collect septic system information to provide the basis for action.

In light of the County Executive’s individual grades...

- Stormwater Pollution: D+
- Peer/Expedited Review of Development Applications: B-
- Recreational Activities and Water Access: A
- Land Use, Land Preservation and Open Space: B
- Coal Tar Sealant Ban: A-

...and the County Executive’s environmental leadership, the overall grade for the County Executive for his first one and a half years in office is a B-.
Anne Arundel Chapter History

The first local chapter of the Maryland League of Conservation Voters was formed in 2010 when nine county residents from diverse backgrounds and political affiliations came together to form a Steering Committee to set the policies for the Anne Arundel Chapter. Eager to have an impact for the environment, we endorsed candidates for County Council and County Executive during the 2010 and 2014 elections. For selected candidates, the Chapter made campaign contributions, conducted independent expenditure campaigns, and recruited volunteers to conduct phone banks as well as direct campaigning.

Between elections, we have worked to highlight major environmental issues such as stormwater pollution, and tracked the performance of local office holders to hold them accountable for their actions, and inactions, on conservation issues. Performance Report Cards – for the County Executive and members of the Anne Arundel County Council – were released in June 2012 and May 2014.

We hope you will consider this Report Card when you cast your votes in the next election. We welcome your comments, suggestions and support.

Anne Arundel Chapter
Maryland League of Conservation Voters
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